

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

CARRIE M. LEO,

Plaintiff,

v

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION, and THE
UNITED STATES DEPARTMENT OF
AGRICULTURE, and the following INDIVIDUALS, in
their individual and official capacities: BASIL
SEGGOS—Commissioner, SONNIE PERDUE—
Secretary, WILLIAM POWELL—Lieutenant/Captain,
DEC Division of Law Enforcement, JOSEPH
THERRIEN—Director, DEC Special Licenses Unit,
ANDREA D'AMBROSIO—USDA Animal Care
Inspector, and John/Jane Does #1-15,

Index No. 6:20-cv-07039
(Hon. Frank P. Geraci, Jr.)

**NOTICE OF MOTION TO DISMISS
PURSUANT TO
FRCP 12(b)(1), (6)**

Defendants.

Please take notice pursuant to Local Rule 7(a)(1) that on the ____ day of _____, 2021 at ____:____ AM/PM at the U.S. District Court for the Western District of New York, located at 100 State Street, Rochester, NY 14614, defendants New York State Department of Environmental Conservation, Basil Seggos, Joseph Therrien, and William Powell (together, “Defendants”) will move this Court, pursuant to FRCP 12(b)(1) and 12(b)(6), to dismiss the complaint in this action.

For the reasons stated in detail in the memorandum of law filed with this notice pursuant to Local Rule 7(a)(2)(A), the Declaration of Assistant Attorney General Brittany M. Haner, dated March 22, 2021, filed pursuant to Local Rule 7(a)(3), together with attached exhibits, and all other pleadings and papers filed in this action, Defendants respectfully request that this Court enter judgment against plaintiff Carrie M. Leo dismissing the complaint in this action and granting any such further relief as the Court deems just and proper.

Under Local Rule 7(b)(2)(B), plaintiff is required to file and serve opposing papers fourteen (14) days after the service of this motion, if the Court does not issue an order with an alternative deadline. Defendants reserve the right to file and serve reply papers.

Dated: March 22, 2021

LETITIA JAMES

Attorney General of the State of New York
Attorney for State Defendants

By: /s/ Brittany M. Haner
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